

**APPENDIX D: GALLATIN COUNTY, MONTANA
FIRE PROTECTION IMPACT FEE REGULATION**

Adopted August 27, 1996

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1. LEGISLATIVE FINDINGS

The Commissioners of Gallatin County, Montana, find that:

- 1.1 Fire protection services are currently being provided to the citizens of the County by various Rural Fire Districts and Fire Service Areas that receive administrative fees from the County to help finance such services and facilities.
- 1.2 The protection of the health, safety, and general welfare of the citizens of the County requires that fire protection facilities and equipment be acquired and constructed to accommodate continuing growth within the County.
- 1.3 All types of development for which specific waivers have not been defined in this Regulation will create increased demands for fire protection facilities and equipment.
- 1.4 The current system of fire impact fees is inadequate to allow 14 of the Rural Fire Districts and Fire Service Areas to provide the fire protection facilities and equipment needed to serve new development.
- 1.5 The adoption of a new Fire Protection Impact Fee system would enable the County, at the request of one or more of the 14 Rural Fire Districts and Fire Service Areas, to collect additional revenues for such Districts or Areas for the purpose of acquiring or constructing fire protection facilities and equipment, and to impose a proportionate share of the costs of required fire protection facilities and equipment on those developments that create the need for them.
- 1.6 That County Road and Fire Impact Fee Study prepared by James Duncan and Associates dated September 1995 sets forth a reasonable methodology and analysis for determining the impacts of new development on fire protection facilities and equipment and for determining the cost of acquiring or constructing the capital facilities and equipment required to serve new development.
- 1.7 The Fire Protection Impact Fees described in this Regulation are based on that County Fire Protection and Fire Impact Fee Study, and do not exceed the costs of acquiring or constructing the fire protection facilities and equipment required to serve the new developments that will pay the Fire Protection Impact Fees.
- 1.8 The County Fire Protection and Fire Impact Fee Study did not include the costs of providing a water supply to fight fires in remote areas, and the Fire Protection Impact Fees described in this Regulation do not cover such costs. Any obligation to provide a water supply to fight fires imposed by a Rural Fire District or Fire Service Area is separate and distinct from the obligation to pay the fees described in this Regulation.

- 1.9 The acquisition or construction of new fire protection facilities and equipment by the 14 Rural Fire Districts and Fire Service Areas will provide benefits to the landowners in the District or Area where the new facilities and equipment are located, and it is therefore appropriate to create 14 different fire protection benefit areas for purposes of collecting and spending Fire Protection Impact Fees.
- 1.10 There is both a rational nexus and a rough proportionality between the fire protection impacts created by new development covered by this Regulation and the Fire Protection Impact Fee that such development will be required to pay.
- 1.11 This Regulation creates a system by which the Fire Protection Impact Fees paid by different developments will be used to acquire or construct fire protection facilities and equipment benefiting the development that paid the fee within a reasonable period of time after the fee is paid.
- 1.12 Section 76-3-510, MCA, authorizes the County to require a subdivider to pay or guarantee payment for part or all of the costs of extending capital facilities related to public health and safety, including but not limited to public roads, sewer lines, water supply lines, and storm drains to a subdivision. Fire protection facilities and equipment relate to the public health and safety.

2. AUTHORITY AND APPLICABILITY

- 2.1 Authority for the adoption of this Regulation is found in the Montana Subdivision and Platting Act, sections 76-3-101 et. seq., MCA.
- 2.2 The provisions of this Regulation shall apply to all of the land within any Rural Fire District or Fire Service Area that (a) is listed in Table 1, and (b) has executed an agreement with County in the form attached as Appendix 1, which is an integral part of this Regulation, but shall not apply to any land located within the corporate limits of any city or town in Gallatin County.

3. INTENT

- 3.1 This Regulation is adopted to help implement the Gallatin County Plan.
- 3.2 The intent of this Regulation is to ensure that new development bears a proportionate share of the cost of Fire Protection Improvements, to ensure that such proportionate share does not exceed the cost of Fire Protection Improvements required to serve such new developments, and to ensure that money collected from such new developments are actually used to acquire or construct Fire Protection Improvements that benefit such new developments.

- 3.3 It is not the intent of this Regulation to collect any money from any new development in excess of the actual amount necessary to offset new demands for Fire Protection Improvements created by that new development.
- 3.4 It is not the intent of this Regulation that any monies deposited in any Impact Fee Fund created by this Regulation ever be commingled with monies from a different Impact Fee Fund or ever be used for a type of facility or equipment different from that for which the Fee was paid or located in a different fire protection benefit area than that for which the Fee was paid, except in the case where two or more of the eligible Rural Fire Districts or Fire Service Areas have agreed to jointly acquire or construct improvements or equipment that will benefit each of them using monies from each of their respective Impact Fee Funds and the disbursements from each Impact Fee Fund meet the requirements set forth in the agreement between each such District or Area and the County.
- 3.5 As used in this Regulation, the term “Fire Protection Improvements” means the planning, land acquisition, engineering design, construction, construction inspection, equipment purchases, and financing costs associated with new or expanded facilities, buildings, and equipment, that expand the capacity of a fire protection facility or system and that have an average useful life of at least 10 years, but not including maintenance, operations, or improvements that do not expand capacity.

4. FIRE PROTECTION BENEFIT AREAS

- 4.1 For purposes of this Regulation, there shall be 14 fire protection benefit areas corresponding to the boundaries of the fourteen Rural Fire Districts and Fire Service Areas listed in Table 1.
- 4.2 No fire protection benefit area shall include any area within the corporate limits of any city or town in Gallatin County.

5. IMPOSITION OF FIRE PROTECTION IMPACT FEES

- 5.1 Any subdivider who obtains preliminary plat approval of a subdivision of land within those fire protection benefit areas listed in Table 1 after the effective date of this Regulation shall pay a Fire Protection Impact Fee in the amount specified in this Regulation prior to final plat approval.
- 5.2 The duty to pay the Fire Protection Impact Fees described by this Regulation shall be attached as a condition to any preliminary plat approval of a subdivision.
- 5.3 No final subdivision plat shall be approved until the Fire Protection Impact Fee described in this Regulation has been paid, unless such fee has been explicitly waived by Section 10 of this Regulation.

6. COMPUTATION OF AMOUNT OF FIRE PROTECTION IMPACT FEE

- 6.1 A subdivider required to pay a Fire Protection Impact Fee may choose to have the County determine the amount of such fee pursuant to either section 6.2 or 6.3 below.
- 6.2 Unless the subdivider requests that the County determine the amount of such Fee pursuant to section 6.3, the County shall determine the amount of the Fire Protection Impact Fee by applying a fixed fee of four hundred and ninety-six dollars (\$496) per lot or parcel shown on the final map of the subdivision.
- 6.3 A subdivider may prepare and submit to the County an independent fee calculation study prepared by qualified fire protection professional and/or economist calculating the cost of Fire Protection Improvements required to serve the proposed development, that (a) is performed on an average cost (not marginal cost) methodology; (b) is specific to the Rural Fire District or Fire Service Area in which the land is located; (c) uses the service units and unit construction costs stated in the County Road and Fire Impact Fee Study; and (d) is performed in compliance with any criteria for such studies previously established by this Regulation or by the County; and (e) is submitted and decided upon by the County prior to submittal of final plat application for the subdivision (*Resolution 2005-168*). An average cost methodology is one that calculates the average cost of new fire facilities and equipment needed to serve each new lot or parcel in new developments in a specific Rural Fire District or Fire Service Area over a future period of at least 10 years.
- 6.4 If the subdivider is applying for a resubdivision of an approved subdivision or an amendment to a final subdivision plat for which a Fire Protection Impact Fee has previously been paid, then the fee shall be the net positive difference between the fee applicable at the time of the current application and any amount previously paid as an impact fee for fire protection facilities or equipment.

7. PAYMENT OF FIRE PROTECTION IMPACT FEES

- 7.1 A subdivider required to pay a Fire Protection Impact Fee shall pay such fee to the County prior to the final approval of any subdivision of land.
- 7.2 All monies paid by a subdivider pursuant to this Regulation shall be identified as Fire Protection Impact Fees and shall be promptly deposited in the Fire Protection Impact Fee Fund for the fire protection benefit area or areas in which the subdivider's land is located.
- 7.3 If the subdivider's land is not located entirely within one of the fire protection benefit areas defined in section 4 of this Regulation, then the Fire Protection Impact Fee due from the subdivider shall be calculated separately for the portion of subdivider's land in each benefit area, and each separate portion of the Fire

Protection Impact Fee shall be deposited in the Fire Protection Impact Fee Fund for the fire protection benefit area in which that portion of the land is located.

8. FIRE PROTECTION IMPACT FEE FUNDS

- 8.1 A separate Fire Protection Impact Fee Fund is hereby created for each of the 14 fire protection benefit areas listed in Table 1.
- 8.2 Each Fire Protection Impact Fee Fund shall contain only those Fire Protection Impact Fees collected within the fire protection benefit area for which such Fund was created and any interest which may accrue from time to time on such amounts.
- 8.3 Interest earned on monies in any Fire Protection Impact Fee Fund shall be considered part of such Fund, and shall be subject to the same restrictions on use applicable to the Fire Protection Impact Fees deposited in such Fund.
- 8.4 The County's reasonable costs to calculate and document Fire Protection Impact Fees, credits against those Fees, and refunds of those Fees pursuant to this Regulation shall be considered as expenses of reviewing subdivision plats, and shall be included in the County's fees for the review of such plats pursuant to authority granted in section 76-3-602, MCA.

9. USE OF FIRE IMPACT FEE FUNDS

- 9.1 The monies in each Fire Protection Impact Fee Fund shall be made available to the Rural Fire District or Fire Service Area serving the fire protection benefit area for which such Fund was created, but only after such District or Area has signed a contract with the County in the form attached as Appendix 1 to this Regulation, and then only (a) to acquire or construct Fire Protection Improvements within the fire protection benefit area for which that Fund was created, or (b) to pay debt service on any portion of any future bond issue used to finance the acquisition or construction of Fire Protection Improvements to the extent that such Improvements expand the capacity of a fire protection facility or system within the fire protection benefit area for which such Fund was created, or (c) as described in sections 11 or 12.7 of this Regulation.
- 9.2 Monies in each Fire Protection Impact Fee Fund shall be considered to be spent or encumbered in the order collected, on a first-in/first-out basis.
- 9.3 No monies from any Fire Protection Impact Fee Fund shall be spent for periodic or routine maintenance of any facility of any type or to cure deficiencies in facilities existing on the effective date of this Regulation.

10. WAIVERS OF FIRE PROTECTION IMPACT FEES

- 10.1 Subdividers otherwise required by this Regulation to pay a Fire Protection Impact Fee may receive a waiver of that requirement if the subdivider can demonstrate to the County that (a) the land when subdivided and built out with at least one structure per lot will produce no greater demand for fire protection than would have been produced if such land had not been subdivided; or (b) a fire protection facilities fee for such land has previously been paid in an amount that equals or exceeds the Fire Protection Impact Fee that would be required by this Regulation.
- 10.2 Any such claim for waiver must be made no later than the time when the subdivider applies for final approval of the subdivision, and any request for a waiver not made at or before such time shall be invalid.
- 10.3 The County Planning Director or his designee shall determine the validity of any claim for waiver pursuant to the criteria set forth in Section 10.1.

11. REFUNDS OF FIRE PROTECTION IMPACT FEES PAID

- 11.1 Any monies in any Fire Protection Impact Fee Fund that have not been spent or encumbered within 10 years after the date on which such fee was paid shall, upon application of the then current owner of the land for which the fee was paid, be returned to such owner with interest at the rate of 10 percent per annum since the date of payment. In order to be eligible to receive such refund, the then owner of the land shall be required to submit an application for such refund within six months after the expiration of such 10 year period, or such claim shall be waived. When the right to a refund exists due to a failure to encumber or spend fees within such 10 year period, the County shall provide written notice of entitlement to a refund to current owner of the land for which the fee was paid. The County shall also publish such notice within 30 days after the expiration of the 10 year period from the date the Fire Protection Impact Fee was paid. The published notice shall contain the heading 'Notice of Entitlement to an Impact Fee Refund'.

12. CREDITS AGAINST FIRE PROTECTION IMPACT FEES

- 12.1 After the effective date of this Regulation, all mandatory or voluntary dedications of land for fire stations, all mandatory or voluntary construction of fire stations, and all mandatory or voluntary purchases of fire trucks by a subdivider, shall result in a pro rata credit against the Fire Protection Impact Fees otherwise due for such development, except that no such credit shall be awarded for (a) land dedications for or construction or purchase of Fire Protection Improvements that remain under the control of the subdivider and serve only the subdivider's property; or (b) any voluntary right-of-way dedications not accepted by the Rural Fire District or Fire Service area in which such land is located; (c) any voluntary acquisition or

construction of fire stations or fire trucks not approved in writing by the Rural Fire District or Fire Service area in which such land is located prior to commencement of the acquisition or construction; (d) any mandatory or voluntary dedication, construction, or acquisition of a type of Fire Protection Improvement not included in the calculation of the Fire Protection Impact Fees in the County Road and Fire Impact Fee Study. Credits shall not be granted for the provision of a water supply to fight fires.

- 12.2 In order to obtain a credit against Fire Protection Impact Fees otherwise due, a subdivider must (a) submit a written agreement or offer to dedicate specific parcels of land to the Rural Fire District or Fire Service Area in which the subdivider's project is located, or to construct Specific Fire Protection Improvements in accordance with all applicable state or County design and construction standards; and (b) obtain the written approval of the Rural Fire District or Fire Service Area servicing the fire protection benefit area or areas in which the land is located; and (c) specifically request a credit against such Fire Protection Impact Fees. Such written agreement, offer, or evidence must be made on a form provided by the County, must contain a statement under oath of the facts that qualify the subdivider to receive a credit, must be accompanied by documents evidencing those facts, and must be filed not later than the time when an application is made for final approval of the first subdivision required for the development, or the claim for the credit shall be invalid.
- 12.3 The credit due to a subdivider who submits such a request shall be calculated by the County and documented by the County as follows:
- 12.3.1 Credit for qualifying land dedications shall, at the subdivider's option, be valued at (a) 100 percent of the most recent assessed value for such land as shown in the records of the County Assessor; or (b) that fair market value established by a private appraiser acceptable to the County in an appraisal paid for by the subdivider.
- 12.3.2 In order to receive credit for acquisition or construction of fire stations or fire trucks, the subdivider shall submit acceptable engineering drawings, specifications, construction cost estimates, or purchase price estimates to the County. The County shall determine the amount of credit due based on the information submitted, or, if it determines that such information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the County.
- 12.4 Approved credits shall become effective at the following times:
- 12.4.1 Approved credits for qualifying land dedications shall become effective when the applicable Rural Fire District or Fire Service Area confirms that the land has been conveyed to it or that acceptable arrangements have been made for the future conveyance of such land. When such conditions have

been met, the County shall note that fact in its records. Upon request of the subdivider, the County shall send the subdivider a letter stating the number of credits available to the subdivider.

12.4.2 Approved credits for the acquisition or construction of Fire Protection Improvements shall generally become effective when the applicable Rural Fire District or Fire Service Area confirms that all required construction has been completed and accepted or that acceptable arrangements have been made for future construction or acquisition. When such conditions have been met, the County shall note that fact in its records. Upon request of the subdivider, the County shall send the subdivider a letter stating the number of credits available to the subdivider.

12.5 Approved credits may be used to reduce the amount of Fire Protection Impact Fees otherwise due from any subdivider within the same fire protection benefit area for which the credit was approved, until the amount of the credit is exhausted. Each time a request to use credits from a mandatory or voluntary dedication, acquisition, or construction is presented to the County shall reduce the amount of the Fire Protection Impact Fee otherwise due from the subdivider, and shall note in the County records the amount of credit remaining, if any. Upon request of the subdivider, the County shall send the subdivider a letter stating the number of credits available to the subdivider.

12.6 Approved credits shall only be used to reduce the amount of Fire Protection Impact Fees otherwise due under this Regulation within the fire protection benefit area for which the credit was approved, and shall not be paid to the subdivider in cash or in credits against any impact fees for any other type of facility or service or against Fire Protection Impact Fees for any other fire benefit area or against any other monies due to the County, except as described in Section 12.7 of this Regulation. Credits may be limited to use in areas that can be served by the land, fire station, or fire trucks whose dedication, purchase, or construction gave rise to the credit.

12.7 If the amount of approved credits exceeds the amount of Fire Protection Impact Fees otherwise due under this Regulation, the subdivider may request in writing that County provide for reimbursement of any excess credits to the subdivider in cash instead of transferable credits. Such written request must be filed not later than the time when an application is made for final approval of the first subdivision required for the development, or the claim for the credit shall be invalid. Upon receipt of such written request, those credits described in Section 12.3 shall not be issued, and the County may, at its discretion, arrange for the reimbursement of such excess credits from the Fire Protection Impact Fee Fund or Funds for the fire protection benefit area or areas in which the subdivider's land is located from fees paid by others.

- 12.8 Credits may be transferred from one owner to another by any written instrument clearly identifying the certificate or certificates issued under Section 12.3 of this Regulation that are to be transferred, provided that such instrument is signed by both the transferor and transferee and that the document is delivered to the County for registration of the change in ownership.

13. FEE ADJUSTMENT

- 13.1 The Fire Protection Impact Fee stated in Section 6.2 of this Regulation shall be adjusted annually to reflect the effects of inflation on those costs for Fire Protection Improvements set forth in the County Road and Fire Impact Fee Study. Beginning on January 1, 1998 and on January 1 of each following year unless and until the Fee in Section 6.2 is revised or replaced by action of the County Commissioners, the Fee amount in Section 6.2 shall be adjusted by multiplying such amount by a fraction, the numerator of which is the U.S. Consumer Price Index for all Urban Consumers for All Items as published by the U.S. Department of Labor, Bureau of Labor Statistics, for the area for the most recent period for which figures are available, and the denominator of which is the Consumer Price Index for All Items for the same area for the period one year prior to the period reflected in the numerator. Such adjustments in the amount of such fee shall become effective immediately upon calculation by the County, and shall not require additional action by the County Commissioners to be effective.
- 13.2 The Fire Protection Impact Fees described in this Regulation and the administrative procedures of this Regulation shall be reviewed at least once every three fiscal years to ensure that (a) the cost assumptions underlying such fees are still valid; (b) the resulting fees do not exceed the actual cost of acquiring land for Fire Protection Improvements and/or acquiring or Constructing Fire Protection Improvements required to serve new development; (c) the monies collected or to be collected in the Fire Protection Impact Fee Funds have been and/or are expected to be spent for Fire Protection Improvements; and (d) such Fire Protection Improvements will benefit those lots and parcels for which the fees were paid.
- 13.3 If a Fire Protection Impact Fee has been calculated and paid based on a mistake or misrepresentation, it shall be recalculated. Any amounts overpaid by a subdivider shall be refunded by the County to the subdivider within 30 days after the County's acceptance of the recalculated amount, with interest at the rate of 10 percent per annum since the date of such overpayment. Any amounts underpaid by the subdivider shall be paid to the County within 30 days after the County's acceptance of the recalculated amount, with interest at the rate of 10 percent per annum since the date of such underpayment. In the case of an underpayment, the County shall not issue any additional permits or approvals for the project for which the Fire Protection Impact Fee was previously paid until such underpayment is corrected, and if amounts owed to the County are not paid within such 30 day period, the County may also repeal any permits or approvals issued in reliance on the previous

payment of such Fire Protection Impact Fees and refund such fees to the then current owner of the land.

14. MISCELLANEOUS PROVISIONS

- 14.1 Nothing in this Regulation shall restrict the County from requiring a subdivider to construct reasonable project improvements required to serve the subdivider's project, whether or not such improvements are of a type for which credits are available under Section 12.
- 14.2 Knowingly furnishing false information to any official of the County charged with the administration of this Regulation on any matter relating to the administration of this Regulation, including without limitation the furnishing of false information regarding the expected size of a proposed subdivision or expected fire hazards related to a proposed subdivision, shall be a violation of this Regulation.
- 14.3 If any portion of this Regulation is determined to be invalid, unenforceable, or unconstitutional for any reason by any court of competent jurisdiction, that portion shall be treated as an independent provision of this Regulation, and such determination shall not affect the validity, enforceability, or constitutionality of any other portion of this Regulation.
- 14.4 The section titles used in this Regulation are for convenience only, and shall not affect the interpretation of any portion of the text of this Regulation.
- 14.5 The County shall keep a copy of the County Road and Fire Impact Fee Study prepared by James Duncan and Associates dated September 1995 on file in the offices of the County Planning Department, and shall maintain accurate records of the Fire Protection Impact Fees paid, including the name of the person paying such fees, the project for which the fees were paid, the date of payment of each fee, the amounts received for each fee, the fire protection benefit area for which the fee was paid, and any other matters that the County deems appropriate or necessary to the accurate accounting of such fees, and such records shall be available for review by the public during County business hours.
- 14.6 This Regulation shall become effective on August 27, 1996.

APPENDIX D: TABLE 1

FIRE PROTECTION BENEFIT AREAS

BENEFIT AREA	RURAL FIRE DISTRICT OR FIRE SERVICE AREA
1	Amsterdam RFD 165
2	Belgrade RFD 105
3	Bridger Canyon RFD 110
4	Clarkston FSA
5	Fort Ellis FSA
6	Gallatin Canyon RFD 115
7	Gallatin Gateway RFD 120
8	Gallatin River Ranch RFD 170
9	Manhattan RFD 125
10	Northside RFD 135
11	Rae FSA
12	Sourdough RFD 155
13	Springhill FSA
14	Story Mill RFD 143
15	Three Forks RFD 145
16	Willow Creek RFD 150

**AGREEMENT BETWEEN
GALLATIN COUNTY, MONTANA
AND**

**REGARDING THE USE OF
FIRE PROTECTION IMPACT FEE REVENUES**

This Agreement is entered into this ____ day of _____ 199____, between Gallatin County, Montana (hereinafter referred to as County) and _____, Gallatin County, Montana (hereinafter referred to as Fire District).

The County and the Fire District agree as follows:

1. The Fire District certifies that it is currently delivering fire protection services to the residents and landowners of the Fire District and is lawfully authorized to provide such services and to execute this Agreement.
2. The County has adopted a fire protection impact fee regulation set forth in Appendix D of the Gallatin County Subdivision Regulations (hereinafter referred to as Regulation) for the purpose of placing a proportionate share of the costs of expanded and improved fire protection facilities and equipment on the new developments that create the need for such facilities and equipment.
3. Upon the execution of this Agreement the County shall collect fire protection impact fees from the Fire District Area as authorized in the Regulation. The County shall place all such impact fees collected from the Fire District into a Fire Protection Impact Fee Fund for the Fire District (hereinafter referred to as Fund) and shall separately account for the impact fees collected.
4. The parties agree that the monies in the Fund may be used for the following purposes only:
 - a. To pay for planning, land acquisition, engineering design, construction, construction inspection, equipment purchases, and financing costs associated with a specific project to construct or acquire new or expanded fire protection facilities, buildings, and/or equipment that expand the capacity of the Fire District to provide fire protection services within the Fire District and that have an average useful life of at least 10 years; or

- b. To pay debt service on any portion of any fixture bond issue used to finance any of the buildings, facilities, or equipment described in section 4.a. to the extent such improvements expand the capacity of the Fire District's fire protection facilities or fire protection system.
5. The Fire District agrees that monies from the Fund shall never be used (a) for routine maintenance, operations, or (b) for the construction or acquisition of facilities, buildings, or equipment that do not expand the capacity of the Fire District to provide fire protection services within the Fire District, or (c) to cure deficiencies in facilities existing on or before August 27, 1996 (the effective date of the Regulation).
6. The County shall notify monthly the Fire District of the amount of money in the Fund.
7. Upon the written request of the Fire District, the Gallatin County Commissioners will consider the transfer of monies from the Fund to the Fire District for use on a specific acquisition or construction project. Any request for a transfer of monies from the Fund (a) shall specifically state what the monies will be used to construct or acquire; (b) shall include a price estimate, quote, or bid from those who will complete or provide the buildings, facilities, or equipment; (c) shall include a statement of the anticipated completion date for the project; and (d) shall include a certification by the Fire District that it will use the requested monies only for the purposes stated in the request.
8. The Gallatin County Commissioners shall approve such request for a transfer of monies from the Fund unless there are not adequate monies in the Fund to fulfill the request or unless the Gallatin County Commissioners conclude that the purposes for which the monies are requested do not meet (a) the requirements stated in Section 4 of this Agreement; or (b) the requirements for the use of fire protection impact fees stated in the Regulation. The Gallatin County Commissioners shall promptly notify the Fire District of the reason for any denial of a request to transfer monies from the Fund.
9. The Fire District shall notify the County promptly of the completion of each construction or acquisition project for which monies from the Fund were received, and shall certify in writing that all such monies were used as stated in the original request for transfer of monies. If the final cost of such project is lower than the amount of monies from the Fund that the Fire District received from the County, then within one (1) month after the completion of the project, the Fire District shall transfer any remaining monies back to the County for deposit in the fund.

10. The Fire District shall be liable to the County for any use of monies from the Fund for any purpose not stated in the request for transfer of such monies, or for any purpose not authorized by Section 4 of this Agreement and shall indemnify the County for any loss or damage suffered by the County because of any such unauthorized expenditure of monies from the Fund.

This Agreement consists of _____ pages. The Original Agreement will be kept by the Gallatin County Clerk and Recorder.

BOARD OF COUNTY COMMISSIONERS
GALLATIN COUNTY, MONTANA

Jane Jelinski, Chair

Phil Olson, Member

Kris Dunn, Member

ATTEST:

Shelley M. Cheney
Clerk and Recorder

Approved as to legal content

County Attorney

(district name)

Chairman

Attest:
Secretary

Copy:
Gallatin County Treasurer

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